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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,245	12/22/2003	Jose Enrique Maldonado Pacheco	20006	6968

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EXAMINER	
MUSSER, BARBARA J	

ART UNIT	PAPER NUMBER
1791	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/743,245	MALDONADO PACHECO ET AL.	
	Examiner	Art Unit	
	BARBARA J. MUSSER	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) *21-26* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-11 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobrin et al.(U.S. patent 6,383,431) in view of Weber et al.(U.S. Patent 5,143,679), and Boger et al.(U.S. Patent 4,874,451)

Dobrin et al. discloses a method of forming a laminate by bonding together a stretchable web to a filled second web, the stretchable web being passed between a roll with grooves and a second roll with fins which fit within the grooves prior to bonding to the second web so as to stretch the first web while maintaining the position of the stretchable web with respect to the first roll. This set of rolls stretches the first web along lines in the first web via the fins on the second roll. The stretched web is then coated with adhesive and joined to the second web.(Abstract; Figure 1; Col. 7, ll. 56-57; Col. 8, ll. 25-30; Col. 10, ll. 18-20; Col. 21, ll. 23-24, 48-50) The reference does not disclose forming successive nips between the first roll and multiple second rolls with fins. Weber et al. discloses stretching a laminate using multiple rolls with ribs which interact with a single roll with grooves. This use of multiple rolls reduces the rate at which the stretching of the laminate is carried out, reducing the strain on the web and causing less damage to the laminate than the use of a single roll pair.(Col. 17, ll. 57-

Col. 18, ll. 16) It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the single roll pair of first and second roll in Dobrin et al. with multiple roll pairs formed from separate second rolls interacting with the same first roll since this would reduce the strain on the first web as it is stretched and cause less damage to the web than the use of the single roll pair of Dobrin et al.(Col. 17, ll. 57- Col. 18, ll. 16)

Dobrin et al. discloses the adhesive is applied to the stretched web, but is silent as to the specifics of the adhesive applicator, only indicating that such methods are well known to those in the art.(Col. 21, ll. 23-26, 48-50) Boger et al. discloses a device for applying adhesive to a diaper via a number of slots onto specific locations on the web.(Abstract; Figure 1) This allows the accurate placement of adhesive with a relatively simple system which requires little maintenance.(Col. 2, ll. 23-31) It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a slot applicator lie that of Boger et al. to apply the adhesive to the corrugated web of Dobrin et al. since Dobrin et al. indicates well-known types of adhesive applicators can be used and since the adhesive applicator of Boger et al. is a adhesive applicator known the diaper arts which would allow the accurate placement of adhesive with a relatively simple system which requires little maintenance.(Col. 2, ll. 23-31)

Regarding claim 2, Weber et al. discloses the fins of the successive second rolls enter the grooves of the first roll at different degrees providing a different amount of stretch at different nips.(Col. 17, ll. 57- Col. 18, ll. 16)

Regarding claims 4, 7, and 16, Dobrin et al. discloses the first web is a nonwoven with a basis weight of 10g/m^2 to 80 g/m^2.(Abstract; Col. 7, ll. 32-34)

Regarding claim 6, while Dobrin et al. does not disclose the specific number of teeth per inch, one in the art would appreciate that the number would far within applicant's range since both Dobrin et al. and applicant are making laminates for the same purpose, i.e. use in a diaper and therefore would desire the same properties.

Regarding claims 8 and 17, Dobrin et al. discloses the second web is a polymeric film.(Abstract)

Regarding claims 9, 10, 18, and 19, Dobrin et al. discloses the polymeric film is extensible and breathable.(Col. 20, ll. 22-23, 53)

Regarding claims 11 and 20, since the polymeric film can be elastic, it could be stretched in multiple directions.(Abstract)

Regarding claim 13, Dobrin et al. discloses the first web can have corrugations.(Figure 9; Col. 10, ll. 17-21)

Regarding claims 13-15, when the corrugated first web is bonded to the second web, one in the art would appreciate that the adhesive would be applied to the tips of the corrugations so that adhesive would not be wasted.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dobrin et al., Weber et al., and Boger et al. as applied to claim 1 above, and further in view of Morman et al.(U.S. Publication 2002/0119288A1)

The references cited above do not disclose stretching the web in the machine direction though Dobrin et al. discloses the second web can be stretched prior to

bonding to the first web(Col. 19, ll. 39-41). Stretching of polymeric films before joining to other webs is well-known and conventional in the laminating arts as such thins the film, making it breathable as shown for example by Morman et al. which discloses stretching the filled web in the machine direction to cause breathability before laminating it another web.[0011]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to stretch the filled second web in the machine direction prior to bonding it to the first web since this is well-known and conventional in the laminating arts as show for example by Morman et al.[0011] and since it is an obvious alternative to the stretching in the cross direction to create breathability taught by Dobrin et al.(Col. 20, ll. 28-31)

Response to Arguments

4. Applicant's arguments filed 1/3/08 have been fully considered but they are not persuasive.

Regarding applicant's argument that Weber et al. does not disclose a plurality of mating surfaces having fins that fit within the grooves of the forming surface, applicant's own specification describes this in the same manner as Weber et al and the Figures are the same. Examiner is uncertain as to what applicant's mating surfaces, etc. look like if they are not as in Figure 3 of the specification ,which is similar to Figure 2A of Weber et al. Each of the corrugating rolls 24b and 25 have fins that are positioned to enter grooves on the forming surface 23 at separate locations. The two corrugating rollers comprise a "plurality", each with fins which fit into the grooves on the forming surface.

The claim does not require the fins to extend around the entire circumference of the roller as the claim does not even require rollers.

Regarding applicant's argument that Dobrin et al does not disclose a variation in the degree of meshing or suggest the concept, Weber et al. does. The question is not whether the primary reference teaches everything in the claim or whether it teaches alternatives to its own process, but whether it would be obvious to one in the art, having the two references in front of them, to combine them when one teaches a desirable modification which could be used in the other.

Regarding applicant's argument that the combination would not be obvious since Weber et al. did not envision the combination, the fact that the reference did not envision all possible combinations does not indicate the combination was not obvious, but merely that the reference did not describe every possibility. The fact that a group of inventors failed to envision a combination does not mean that other skilled in the art when presented with the references would not have envisioned the combination.

Regarding applicant's argument that Dobrin et al. is directed to a web while Weber et al. is directed to a laminate, the fact the Weber et al. is directed to a laminate does not mean it would not be obvious to use the process with a web. The process offers the advantages of reducing the stress on the web by allowing stress redistribution to the web reducing the chance of damage to the web. This appears to be an advantage that would occur regardless of whether the material being stretched was one web or a laminate made of multiple webs bonded together.

Regarding applicant's argument that Boger et al. does not disclose use of a slot coat process to apply adhesive directly to a flexible sheet, the slot coater(20, Col. 2, ll. 28-31) applies the adhesive directly to the flexible web.(Figure 1) While this is not a stretched web, it is a web which is part of a diaper, as are Dobrin et al. and Weber et al. The web of Dobrin et al. is a stretched web. Absent evidence that one in the art would expect application of adhesive to a stretched web to somehow behave differently than application of adhesive to a non-stretched web, this would have been obvious. The desirability of the slot coater of Boger et al. is not affected by whether the web is stretched or unstretched. Examiner does not understand why one in the art would think adhesive would behave differently on a stretched web versus an unstretched web, and applicant has not provided any evidence to support this assertion.

Regarding applicant's argument that Boger et al. does not disclose applying the adhesive to a corrugated web, applying adhesive to a corrugated web would not appear to require any more than applying adhesive to an uncorrugated web other than a determination of the precise locations to which adhesive should be applied. As the device of Boger et al. applies adhesive to discrete locations spaced in the transverse direction, one in the art would appreciate that such a device would be useful when applying adhesive to other webs having adhesive application locations spaced in the transverse direction.

Regarding applicant's argument that Dobrin et al. does not disclose stretching the machine direction as an alternative to stretching the cross-direction, the fact that a reference does not disclose something well-known in the art does not mean that such is

not well known in the art as shown for example by Morman et al. which discloses stretching in the machine direction to improve breathability.[0011]

Regarding applicant's argument that one would not stretch in the machine direction since such causes necking and other unwanted effects, one in the art would know about these effects as they would also know about unwanted effects caused by stretching in the cross-direction and would choose a stretching direction depending on which unwanted effects were less deleterious for the desired invention. Such a choice would have been well within the skill of one in the art.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA J. MUSSER whose telephone number is

(571)272-1222. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BJM
/B. J. M./
Examiner, Art Unit 1791

/Richard Crispino/
Supervisory Patent Examiner, Art Unit 1791